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AUG 14 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	George Goicoechea, John Hudson, Andrew H. Cragg
Application No.:	09/387696
Filed:	August 31, 1999
For:	Bifurcated Endoluminal Prosthesis
Examiner:	Javier G. Blanco
Group Art Unit:	3738

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2-13333-US01

FACSIMILE TRANSMITTAL LETTER

TO: Examiner Javier G. Blanco
FACSIMILE NO.: 571-273-8300
GROUP ART UNIT: 3738
TOTAL NUMBER OF PAGES (including cover letter): 24

DATE: August 14, 2007
TIME: _____

Following please find a 11 page Reply Brief, 1 page Revocation of Power of Attorney and Appointment of New Attorney, 1 page Limited Authorization, 2 page Assignee Statement of Ownership 37 CFR 3.73(B), and 8 page copy of Assignment Documents in addition to this 1 page Facsimile Transmittal Letter.

If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 22-0350 for any required fees. To the extent that any petition is required to consider this communication, please treat this as such a petition.

Respectfully Submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: August 14, 2007

By: 

James L. Shands
Reg. No. 54439

Suite 400, 6640 Shady Oak Rd.
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300, on August 14, 2007.

Signature: Beth M. DeChene

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Docket No.: S63.2N-13333-US01

REPLY BRIEF

This is a Reply Brief for the above-identified application in response to the Examiner's Answer mailed June 20, 2007. The Commissioner is authorized to charge Deposit Account No. 22-0350 for any fees which may be due with this Reply Brief which have not otherwise been paid.

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Reply Brief
Attorney Docket No. S63.2N-13333-US01

Related Appeals and Interferences

The Appeal Brief submitted March 6, 2007 referenced Interference No. 104,192, in the Related Appeals and Interferences section. The interference had been on appeal before the U.S. Court of Appeals for the Federal Circuit (Docket No. 06-1434) when the Appeal Brief was submitted. A judgment was rendered by the CAFC in that case on August 8, 2007. A copy of the decision of the CAFC is attached hereto and labeled "Appendix".

Concerning Examiner's Response to Applicant's Arguments

Regarding the 35 U.S.C. § 102(b) Rejection Based on the Song Reference

In response to Applicant's arguments, the Examiner stated that "the Applicants argue that Song 'fails to disclose a structure in which wires or filaments each have one more corrugated portions.'" Respectfully, Applicant asserts that neither this statement, nor an argument to that effect, was made in the Appeal Brief.

Instead, Applicant argued that "the Song stent does not have *any* wires or filaments that have both 'one or more corrugated portions' and 'one or more generally straightened extension portions'" as recited in claim 54. In other words, in the Appeal Brief, Applicant argued that in the instant claims, "at least some of the wires or filaments have *both* a corrugated portion and a generally straightened extension portion," unlike Song.

Regarding the 35 U.S.C. § 103(a) Rejection based on the Song Reference In View of the Dereume Reference

In the Examiner's Answer, the Examiner argued that "[t]he claim language does not require the 'generally straightened extension portions' to be part of the same discrete wires. Connecting members 31, 33, 35, and 37 are therefore 'extension portions.'" Applicant disagrees. Independent claims 54 and 57 include the limitation that "said wires or filaments *each* having one or more corrugated portions and at least some of said wires or filaments having one or more generally straightened extension portions". In other words, each of the wires has at least one

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Attorney Docket No. S63.2N-13333-US01

one or more corrugated portions *and* at least some of said wires or filaments having one or more generally straightened extension portions". In other words, each of the wires has at least one corrugated portion, and some of the wires further include at least one generally straightened extension portion. The claim language *requires* that the "generally straightened extension portions" be part of the same discrete wires as the "one or more corrugated portions." It is required because the "generally straightened extension portions" must be portions of a larger article. The larger article described in claims 54 and 57 are the "wires or filaments *each* having one or more corrugated portions." Under the Examiner's interpretation, the term "portions" is unclear; the larger article to which it is a "portion" is unknown. Such an interpretation is unreasonable in light of the plain language of the claims and the arguments presented above.

Conclusion

For at least the reasons presented above, the instant application is believed to be in condition for allowance. Reversal of the rejections is respectfully requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 14, 2007

By: _____


James L. Shands

Registration No.: 54,439

6640 Shady Oak Rd., Suite 400
Eden Prairie, MN 55344
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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APPENDIX

United States Court of Appeals for the Federal Circuit

2006-1434

BOSTON SCIENTIFIC SCIMED, INC.
(formerly known as Scimed Life Systems, Inc.),

Plaintiff-Appellant,

v.

MEDTRONIC VASCULAR, Inc.
(also known as Medtronic AVE, Inc.),

Defendant-Appellee,

and

ERIC C. MARTIN,

Defendant.

Gregory A. Castanias, Jones Day, of Washington, DC, argued for the plaintiff-appellant. With him on the brief were Gidon D. Stern, Thomas E. Friebe, Catharina J. Chin Eng, and Brent P. Ray, of New York, New York.

Brian E. Ferguson, McDermott Will & Emery LLP, of Washington, DC, argued for the defendant-appellee. On the brief were Paul Devinsky, John R. Fuisz, Stephen K. Shahida, and Natalia V. Blinkova. Of counsel were Joel M. Freed and Amanda E. Koenig.

Appealed from: United States District Court for the District of Columbia

Judge Richard J. Leon

APPENDIX

United States Court of Appeals for the Federal Circuit

2006-1434

BOSTON SCIENTIFIC SCIMED, INC. (formerly known as Scimed Life Systems, Inc.),

Plaintiff-Appellant,

v.

MEDTRONIC VASCULAR, Inc. (also known as Medtronic AVE, Inc.),

Defendant-Appellee.

and

ERIC C. MARTIN,

Defendant.

DECIDED: August 8, 2007

Before MAYER, BRYSON and PROST, Circuit Judges.

MAYER, Circuit Judge.

Boston Scientific Scimed, Inc. ("Scimed")* appeals the district court's grant of summary judgment affirming the Board of Patent Appeals and Interferences' final decision, which denied Scimed the priority benefit of an earlier-filed European patent application for the subject matter at issue in Patent Interference Number 104,192 ("the

* Plaintiff-appellant Boston Scientific Scimed, Inc., was formerly known as Scimed Life Systems, Inc., and will be referred to throughout this opinion as "Scimed."

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'192 interference"). Scimed Life Sys., Inc. v. Medtronic Vascular, Inc., 486 F. Supp. 2d 60 (D.D.C. 2006). We affirm.

Background

This appeal stems from an interference proceeding before the United States Patent and Trademark Office Board of Patent Appeals and Interferences. Scimed and Medtronic Vascular, Inc. ("Medtronic") are each assignees of different United States patent applications covering the same invention. Andrew Cragg and Michael Dake (collectively "Cragg") filed patent application 08/461,402 ("the '402 application") for the invention in question on June 5, 1995. Cragg then assigned all rights in the '402 application to Boston Scientific Technology, Inc., which later merged into Scimed, the plaintiff-appellant and current legal owner of the '402 application. Also on June 5, 1995, Thomas J. Fogarty, Timothy J. Ryan, and Kirsten Freislinger (collectively "Fogarty") filed patent application 08/463,836 ("the '836 application") for the same invention. Fogarty assigned their rights in the '836 application to a company that eventually became Medtronic, the defendant-appellee and current legal owner of the '836 application. Eric Martin, a third-party to the instant appeal, owns U.S. Patent No. 5,575,817 (the "Martin patent" or "'817 patent"), which resulted from an application filed on August 19, 1994.

On April 23, 1998, the board declared an interference between Scimed's '402 application, Medtronic's '836 application, and Martin's '817 patent. The purpose of the interference was to determine which party had priority of inventorship, thereby entitling it to the invention as set forth in the sole count of the interference:

An apparatus for reinforcing a bifurcated lumen comprising:
a first section, configured to be positioned within the lumen,
comprising:

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an upper limb, configured to fit within the lumen upstream of the bifurcation;

a first lower limb, configured to extend into the first leg of said bifurcation when said first section is positioned in the lumen, and

a second lower limb, shorter than said first lower limb, and configured so that when said first section is positioned in the lumen, said second lower limb does not extend into a second leg of said bifurcation, and further comprising

a second section configured to be positioned separately within the lumen and joined to said second lower limb of the first section, effectively extending said second lower limb into said second leg of said bifurcation.

Cragg v. Martin v. Fogarty, Patent Interference No. 104,192, Paper No. 187, 2001 WL 1339890 at *2-3 (B.P.A.I. July 21, 2001) ("Final Interference Decision").

The board initially gave Cragg the benefit of the filing dates of two European patent applications filed by MinTec SARL ("MinTec"), a French company. The earlier of these dates was February 9, 1994. At the time these European applications were filed, no legal relationship existed between MinTec and Cragg, nor was MinTec acting on behalf of Cragg. Fogarty was granted the benefit of the filing date of U.S. patent application 08/255,681, which was June 8, 1994. Martin was accorded benefit of the application that led to the '817 patent, which was filed on August 19, 1994. Accordingly, the PTO initially designated Cragg as the senior party in the interference.

Fogarty responded by filing a motion attacking the priority benefit granted to Cragg. The board granted the motion, declaring Fogarty the senior party in the interference. After Cragg protested this decision, the board issued a final decision denying his request to be declared the senior party. The board ruled that Cragg was not entitled to priority benefit under 35 U.S.C. § 119 because neither Cragg nor Dake had assigned their rights to MinTec until after it had filed the European applications. Final Interference Decision, 2001 WL 1339890, at *5.

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Scimed, the assignee of Cragg's U.S. patent application, then brought an action in the United States District Court for the District of Columbia challenging the board's final decision in the '192 interference. The district court affirmed the board's final decision, Scimed, 486 F. Supp. 2d at 61, and Scimed filed this appeal. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

Discussion

We review a district court's grant of summary judgment de novo. Monsanto Co. v. Scruggs, 459 F.3d 1328, 1344 (Fed. Cir. 2006). We also apply a de novo standard when reviewing questions of law, including a trial court's interpretation of statutory language. Pitsker v. Office of Pers. Mgmt., 234 F.3d 1378, 1381 (Fed. Cir. 2000).

At issue here is whether 35 U.S.C. § 119(a)** permits an applicant for a United States patent to benefit from the priority of a foreign application previously filed by an entity that was not acting on behalf of the U.S. applicant at the time of filing. We hold that it does not.

A similar issue was addressed by the Court of Customs and Patent Appeals in Vogel v. Jones, 486 F.2d 1068 (CCPA 1973), which, to the extent relevant here, is binding upon us, South Corp. v. United States, 690 F.2d 1368, 1370 (Fed. Cir. 1982)

** 35 U.S.C. § 119(a) reads in relevant part:

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed

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(en banc). According to Vogel, "§ 119 gives rise to a right of priority that is personal to the United States applicant." 486 F.2d at 1072. Due to the personal nature of this right, an applicant for a U.S. patent may only benefit from the priority of a foreign application if it was filed by the U.S. applicant or "on his behalf." Id.

Scimed argues that Vogel does not require the foreign applicant to have been acting on behalf of the U.S. applicant at the time the foreign application was filed. It points to the following passage in support:

This practice [of allowing a U.S. applicant to claim priority from a foreign application filed by someone else] arose because it was recognized that in many foreign countries, unlike in the United States, the actual applicant for a patent can be other than the inventor, e.g., an assignee. In light of this, we regard the language in § 119 referring to legal representatives and assigns to merely represent a codification of the actual practice under [the predecessor statute to § 119]. Since under United States law an application for patent must be made by the inventor, that practice was based on the requirement that the foreign application, regardless of the identity of the applicant, must have been filed for an invention actually made by the inventive entity seeking to rely upon it for priority purposes. We think § 119 must be construed to the same end.

Id. (footnote omitted). Scimed attempts to construe this language as permitting a U.S. applicant to benefit from a foreign application's earlier filing date whenever "the invention described in the foreign application [is the same] one actually made by the U.S. applicant," "regardless of the identity of the applicant of the foreign application." According to its interpretation, "the Vogel court did not hold that the foreign application must have been filed by a person who was an assignee or legal representative of the U.S. inventor at the time the foreign application was filed, or that the foreign application must have been filed on his behalf in order for there to be priority benefit." We disagree.

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Vogel clearly held that the above-quoted passage "means that an applicant for a United States patent can rely for priority on the 'first filed' application by an assignee on his behalf." Id. (emphasis added). Moreover, "the existence of an application made by [the inventor's] assignee in a foreign country on behalf of one other than the United States inventor is irrelevant to his right of priority based on applications made on his behalf." Id. In other words, while the foreign application must obviously be for the same invention and may be filed by someone other than the inventor, section 119(a) also requires that a nexus exist between the inventor and the foreign applicant at the time the foreign application was filed. Indeed, as a matter of pure logic, an entity could not have filed a foreign application "on behalf of" an inventor without the inventor's knowledge or consent; that the foreign application may have been filed in accordance with the laws of the country in which it was filed has no bearing here. Therefore, to the extent that there may have been any uncertainty or ambiguity in Vogel, we now explicitly hold that a foreign application may only form the basis for priority under section 119(a) if that application was filed by either the U.S. applicant himself, or by someone acting on his behalf at the time the foreign application was filed.

Scimed also contends that the district court erred by precluding it from presenting evidence relating to theories of constructive trust and equitable assignment. A party may present new evidence to the trial court when appealing a board decision in an interference proceeding. Conservolite, Inc. v. Widmayer, 21 F.3d 1098, 1102 (Fed. Cir. 1994). A party may not, however, advance new legal theories at the trial court level, even if the overarching legal issue was presented below. See id. ("[A]n action under [35 U.S.C.] § 146 is essentially a proceeding to review the action of the Board. . . . [T]he

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parties to an interference must make a complete presentation of the issues at the Board level so that the interference is efficient and not wasteful of administrative and judicial resources.”). Failure to advance legal theories before the board constitutes a failure to “make a complete presentation of the issues,” and permitting a party to raise those theories for the first time before the trial court would be both inefficient and “wasteful of administrative and judicial resources.” The parties stipulated that the only issue to be resolved by the district court was whether the board correctly ruled on Fogarty’s motion attacking the priority benefit initially granted to Cragg, Scimed, 486 F. Supp. 2d at 64, and Scimed did not raise either of these theories before the board, see Final Interference Decision, 2001 WL 1339890, at *3-10. The district court therefore did not err by precluding Scimed from presenting evidence to support these new legal theories.

Conclusion

Accordingly, the judgment of the United States District Court for the District of Columbia is affirmed.

AFFIRMED

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Docket No: S63.2N-13333-US01

REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEY

I hereby revoke all previous powers of attorney given in the above identified application.

I hereby appoint all practitioners associated with Customer Number 490 as my/our attorney(s) or (agent(s) to prosecute the above identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please address all future correspondence to James M. Urzedowski at Customer Number 490.

I am the:

- ☐ Applicant/Inventor
- ☒ Assignee of record of the entire interest. (See 37 CFR 3.71)
Statement under 37 CFR 3.73(b) is enclosed.

Respectfully submitted,

Boston Scientific Scimed, Inc.,
formerly known as Scimed Life Systems, Inc.

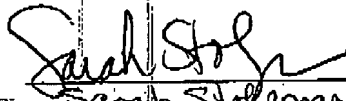
Date:

Nov. 10, 2004

By:

Name:

Title:


Sarah Stollman
Asst. Sec., Patent Counsel

**LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE
REGARDING CERTAIN PATENT MATTERS
EFFECTIVE THROUGH December 31, 2007**

I, Paul W. Sandman, as Executive Vice President, Secretary, and General Counsel of Boston Scientific Corporation, the controlling corporation of:

A-Med Systems, Inc.; Advanced Bionics Corporation; Advanced Stent Technologies, Inc.; Afx, Inc.; AMS Medivent S.A.; BEI Medical Systems; BEI Medical Systems Operating Company (formerly known as Xylog Corporation); BEI Medical Systems International, Inc.; Boston Scientific BV; Boston Scientific Corporation Northwest Technology Center, Inc.; Boston Scientific Ireland Limited; Boston Scientific Japan KK; Boston Scientific Limited; Boston Scientific Scimed, Inc. (formerly known as Schneider (USA), Inc.); Boston Scientific Scimed, Inc. (formerly known as Scimed Life Systems, Inc.); Cardiac Pacemakers, Inc.; Cardiac Pathways Corporation; Cardiothoracic Systems, Inc.; Cardiovascular Innovations Canada, Inc.; Catheter Innovations Corp.; Corvita Canada, Inc.; Corvita Corporation; Corvita Europe S.A.; CryoVascular Systems, Inc.; Embolic Protection, Inc.; Embro Vascular, LLC; Enable Medical Corporation; EndoTex Interventional Systems, Inc.; Endovascular Technologies, Inc. (EVT); Enteric Medical Technologies, Inc.; EP Technologies, Inc.; Fidus Medical Technology Corporation; Guidant Corporation; Guidant Holdings, Inc.; Guidant Intercontinental Corporation; Guidant Investment Corporation; Guidant Puerto Rico Sales Corporation; Guidant Sales Corporation; Heart Technologies; Inflow Dynamics Inc.; Intermedics, Inc.; Interventional Technologies, Inc.; Laboratoires Corvita S.A.R.L.; Meadox Medicals, Inc.; NAMIC Eireann Limited; NAMIC International, Inc.; Nilo Holding, S.A.; Origin Medsystems, Inc.; Precision Vascular Systems, Inc.; Prohold Medical Corporation; Prohold Technologies, Inc.; Provasis Therapeutics, Inc.; Quantum Corporation; Radio Therapeutics Corporation; Rubicon Medical Corporation; Rubicon Medical, Inc.; Schneider (Europe) GmbH; Schneider Belgium NV; Schneider Holland BV; Schneider Ireland BV; Schneider Puerto Rico (formerly known as NAMIC Caribe, Inc.); Schneider/NAMIC; Scimed Life Systems, Inc.; Smart Therapeutics, Inc.; Sub-Q, Inc.; Symbiosis Corporation; Target Therapeutics, Inc.; TriVascular, Inc.; and Vesica;

hereby authorize the following registered patent attorneys/agents (1) to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent entities; (2) to execute power of attorney documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, in any foreign or international patent applications filed with any foreign and/or international patent offices; and (3) to execute assignment and ownership documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent offices:

Victoria Aguilera Poissant	Reg. No. 56,871
Alana Bergman	Reg. No. 47,420
Laura H. Bishop	Reg. No. 47,424
Scott T. Blum	Reg. No. 40,916
James R. Chiapetta	Reg. No. 39,634
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Tyler L. Nasiedlak	Reg. No. 40,099
William J. Shaw	Reg. No. 43,111
Sarah C. Stolpman	Reg. No. 57,000

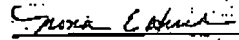

Paul W. Sandman
Executive Vice President, Secretary, and General Counsel

1/8/07
Date

COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF MIDDLESEX) ss.

On this 8th day of January, 2007, before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes set forth herein.


Nona E. Hurd
Notary Public

NOTARY PUBLIC
My commission expires 04/12/2008

(Notary Public Seal 2007)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-13333-US01

ASSIGNEE'S STATEMENT OF OWNERSHIP 37 CFR 3.73(B)

Boston Scientific Scimed, Inc., a corporation, is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

A. ☐ An assignment from the inventor(s) of the patent application identified above. A photocopy of the Assignment is enclosed. The original Assignment is being mailed to Assignment Branch for recording.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From : Andrew Cragg, George Goicoechea and John Hudson
To: Mintec, Inc.
The document was recorded in the Patent and Trademark Office at Reel 7171, Frame 112, or for which a copy thereof is attached.
2. From: Mintec, Inc.
To: Boston Scientific Technology, Inc.
The document was recorded in the Patent and Trademark Office at Reel 8000, Frames 0405-0437, or for which a copy thereof is attached.
3. From: Boston Scientific Technology, Inc.
To: Scimed Life Systems, Inc.
The document was recorded in the Patent and Trademark Office at Reel 012520, Frames 0229-0236, or for which a copy thereof is attached.

4. From: Scimed Life Systems, Inc.
To: Boston Scientific Scimed, Inc.
By Articles of Merger of Boston Scientific Scimed, Inc. With and
Into Scimed Life Systems, Inc. dated December 22, 2004.

☐ Additional documents in the chain of title are listed on a
supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are
attached.

The undersigned is empowered to sign this statement of ownership
certificate on behalf of the assignee.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 14, 2007

By: 

James L. Shands

Registration No.: 54439

6640 Shady Oak Road, Suite 400
Eden Prairie, MN 55344-7834
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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08/312801

United States Patent Rights

ATTORNEY DOCKET NO.

ASSIGNMENT

Serial No. _____

Filed _____

WHEREAS, Andrew Cragg, Claude Mialhe, George Goicoechea
and John Hudson

Insert Name(s)
of Inventor(s)

Insert Title
of Invention

(hereinafter designated as the undersigned) has (have) invented certain new and useful improvements in _____

BIFURCATED ENDOLUMINAL PROSTHESIS

for which an application for Letters Patent of the United States of America has been executed by the undersigned

Insert Date
of Signing of
Application

on _____; and

WHEREAS, MINTEC, INC.

Insert Name
of Assignee

Insert Address
of Assignee

of P.O. BOX F-44289, PEEL ST.

FREEPORT, GRAND BAHAMA, BAHAMAS

its heirs, successors, legal representatives and assigns (hereinafter designated as the Assignee) is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent(s) that may be granted therefor in the United States of America;

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned has (have) sold, assigned and transferred, and by these presents do sell, assign and transfer unto said Assignee the full and exclusive right to the said invention in the United States of America and its territories, dependencies and possessions and the entire right, title and interest in and to any and all Letters Patent(s) which may be granted in the United States of America and its territories, dependencies and possessions, and in and to any and all divisions, reissues, continuations and extensions thereof for the full term or terms for which the same may be granted.

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division or amendment thereof or Letters Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue any and all Letters Patents of the United States of America resulting from said application or any division or divisions or continuing or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of _____ the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U. S. Patent and Trademark Office for recording of this document.

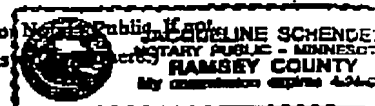
In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 8/22/94 Name of Inventor Andrew Cragg _____ (SEAL)
(signature)
Date 9/15/94 Name of Inventor Claude Mialhe _____ (SEAL)
(signature)
Date August 29/94 Name of Inventor George Goicoechea _____ (SEAL)
(signature)
Date 4 August - 94 Name of Inventor John Hudson _____ (SEAL)
(signature)
Date _____ Name of Inventor _____ (SEAL)
(signature)

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SEP 27 94

(This assignment should preferably be acknowledged before a United States Consul or Notary Public, if not then the execution by the Inventor(s) should be witnessed by at least two other persons.)



Witness Jacqueline Schenkel
cc. John C. Arrett
Witness _____
Witness _____
souligné Gérard LIOT, notaire associé
VIDAUBAN (83550), certifie véritable
signature de M. Monsieur Claude MIALHE
apposée ce jour
le 2 AOUT 1994

AUG 14 2007

BSI-907

SEP 23 1996



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P.O. BOX 980
VALLEY FORGE, PA 19482



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RECORDATION DATE: 06/17/1996

REEL/FRAME: 8000/0405
NUMBER OF PAGES: 33

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
MINTEC, INC.

DOC DATE: 04/29/1996

ASSIGNEE:
BOSTON SCIENTIFIC TECHNOLOGY, INC.
ONE SCIMED PLACE
MAPLE GROVE, MINNESOTA 55311-1566

SERIAL NUMBER: 08312881
PATENT NUMBER:

FILING DATE: 09/27/1994
ISSUE DATE:

SERIAL NUMBER: 08462272
PATENT NUMBER:

FILING DATE: 06/05/1995
ISSUE DATE:

SERIAL NUMBER: 08461402
PATENT NUMBER:

FILING DATE: 06/05/1995
ISSUE DATE:

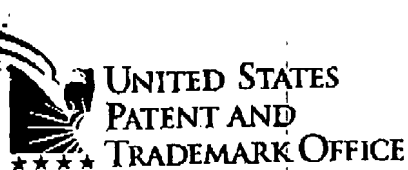
SERIAL NUMBER: 08478181
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

8000/0405 PAGE 2

SERIAL NUMBER: 08463981
PATENT NUMBER:FILING DATE: 06/05/1995
ISSUE DATE:SERIAL NUMBER: 08463991
PATENT NUMBER:FILING DATE: 06/05/1995
ISSUE DATE:SERIAL NUMBER: 08477076
PATENT NUMBER:FILING DATE: 06/07/1995
ISSUE DATE:SERIAL NUMBER: 08465653
PATENT NUMBER:FILING DATE: 06/05/1995
ISSUE DATE:SERIAL NUMBER: 08485015
PATENT NUMBER:FILING DATE: 06/07/1995
ISSUE DATE:SERIAL NUMBER: 08344524
PATENT NUMBER:FILING DATE: 11/23/1994
ISSUE DATE:SERIAL NUMBER: 08461514
PATENT NUMBER:FILING DATE: 06/05/1995
ISSUE DATE:SERIAL NUMBER: 08317763
PATENT NUMBER:FILING DATE: 10/04/1994
ISSUE DATE:SERIAL NUMBER: 08461513
PATENT NUMBER:FILING DATE: 06/05/1995
ISSUE DATE:SERIAL NUMBER: 08463987
PATENT NUMBER:FILING DATE: 06/05/1995
ISSUE DATE:SERIAL NUMBER: 07839911
PATENT NUMBER: 5405377FILING DATE: 02/21/1992
ISSUE DATE: 04/11/1995SERIAL NUMBER:
PATENT NUMBER:
PCT NUMBER: US9501466FILING DATE:
ISSUE DATE:LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

BSI-982



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MARCH 27, 2002

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 SUITE 301, ONE WESTLAKES, BERWYN
 P.O. BOX 980
 VALLEY FORGE, PA 19482-0980


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RECORDATION DATE: 10/22/2001

 REEL/FRAME: 012520/0229
 NUMBER OF PAGES: 8

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BOSTON SCIENTIFIC TECHNOLOGY, INC. DOC DATE: 12/15/1997

ASSIGNEE:

 SCIMED LIFE SYSTEMS, INC.
 ONE SCIMED PLACE
 MAPLE GROVE, MINNESOTA 55311

SERIAL NUMBER: 08312881	94-P027205	FILING DATE: 09/27/1994
PATENT NUMBER:	Seatr	ISSUE DATE:
SERIAL NUMBER: 09687247	98-P0159CON4	FILING DATE: 10/13/2000
PATENT NUMBER:	Seatr	ISSUE DATE:
SERIAL NUMBER: 08461402	94-P02730502	FILING DATE: 06/05/1995
PATENT NUMBER:	Lux	ISSUE DATE:
SERIAL NUMBER: 08463987	94-P02730507	FILING DATE: 06/05/1995
PATENT NUMBER:	Lux	ISSUE DATE:

012520/0229 PAGE 2

SERIAL NUMBER: 09387696	94-P0273US16 LUKE	FILING DATE: 08/31/1999
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 09427310	94-P0273US17 LUKE	FILING DATE: 10/26/1999
PATENT NUMBER:		ISSUE DATE:
SERIAL NUMBER: 08317763	94-P0273US01 LUKE	FILING DATE: 10/04/1994
PATENT NUMBER: 5609627		ISSUE DATE: 03/11/1997
SERIAL NUMBER: 08662484	94-P0273US10 LUKE	FILING DATE: 06/13/1996
PATENT NUMBER: 5916263		ISSUE DATE: 06/29/1999
SERIAL NUMBER: 09313593	94-P0273US15 LUKE	FILING DATE: 05/18/1999
PATENT NUMBER: 6302906		ISSUE DATE: 10/16/2001
SERIAL NUMBER: 07839911	98-P0159 SCOTT	FILING DATE: 02/21/1992
PATENT NUMBER: 5405377		ISSUE DATE: 04/11/1995
SERIAL NUMBER: 08344524	95-P0159CON-CTP SCOTT	FILING DATE: 11/23/1994
PATENT NUMBER: 5683448		ISSUE DATE: 11/04/1997
SERIAL NUMBER: 08477076	98-P0159Div 2 SCOTT	FILING DATE: 06/07/1995
PATENT NUMBER: 5665115		ISSUE DATE: 09/09/1997
SERIAL NUMBER: 08478181	98-P0159Div SCOTT	FILING DATE: 06/07/1995
PATENT NUMBER: 5766237		ISSUE DATE: 06/16/1998
SERIAL NUMBER: 09251964	98-P0159CON3 SCOTT	FILING DATE: 02/16/1999
PATENT NUMBER: 6174328		ISSUE DATE: 01/16/2001
SERIAL NUMBER: 08463981	94-P0273US06 LUKE	FILING DATE: 06/05/1995
PATENT NUMBER: 5800508		ISSUE DATE: 09/01/1998
SERIAL NUMBER: 08462272	94-P0273US05 LUKE	FILING DATE: 06/05/1995
PATENT NUMBER: 5776180		ISSUE DATE: 07/07/1998
SERIAL NUMBER: 08461513	94-P0273US03 LUKE	FILING DATE: 06/05/1995
PATENT NUMBER: 5716365		ISSUE DATE: 02/10/1998
SERIAL NUMBER: 09020749	94-P0273US13 LUKE	FILING DATE: 02/09/1998
PATENT NUMBER: 6117167		ISSUE DATE: 09/12/2000
SERIAL NUMBER: 08461514	94-P0273US04 LUKE	FILING DATE: 06/05/1995
PATENT NUMBER: 5693086		ISSUE DATE: 12/02/1997
SERIAL NUMBER: 08465653	94-P0273US09 LUKE	FILING DATE: 06/05/1995
PATENT NUMBER: 5683450		ISSUE DATE: 11/04/1997
SERIAL NUMBER: 08463991	94-P0273US08 LUKE	FILING DATE: 06/05/1995
PATENT NUMBER: 5718724		ISSUE DATE: 02/17/1998
SERIAL NUMBER: 08961548	94-P0273US11 LUKE	FILING DATE: 10/30/1997
PATENT NUMBER: 5938696		ISSUE DATE: 08/17/1999

012520/0229 PAGE 3

SERIAL NUMBER: 09317102 *94-P0273US14* FILING DATE: 05/21/1999
PATENT NUMBER: 6165213 *LUKE* ISSUE DATE: 12/26/2000

SERIAL NUMBER: 08960282 *94-P0273US12* FILING DATE: 10/29/1997
PATENT NUMBER: 6051020 *LUKE* ISSUE DATE: 04/18/2000

LAZENA MARTIN, EXAMINER
ASSIGNMENT DIVISION
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ARTICLES OF MERGER OF
BOSTON SCIENTIFIC SCIMED, INC.
WITH AND INTO
SCIMED LIFE SYSTEMS, INC.

Pursuant to Minnesota Business Corporation Act, Section 302A, the undersigned, Boston Scientific Scimed, Inc., a Minnesota corporation ("BSS"), and Scimed Life Systems, Inc., a Minnesota corporation ("Scimed Life"), hereby adopt the following Articles of Merger for the purpose of merging BSS with and into Scimed Life, with Scimed Life being the surviving corporation.

1. The Agreement and Plan of Merger between BSS and Scimed Life dated as of December 15, 2004 (the "Merger Agreement"), as required by Minnesota Business Corporation Act, Section 302A.615, subdivision 1, is attached hereto as Exhibit I.
2. The Board of Directors and sole shareholder of BSS approved the Merger Agreement in a joint written action dated as of December 15, 2004 pursuant to Minnesota Business Corporation Act, Section 302A.613.
3. The Board of Directors and all of the shareholders of Scimed Life approved the Merger Agreement in a joint written action dated as of December 15, 2004 pursuant to Minnesota Business Corporation Act, Section 302A.613.
4. The name of the surviving corporation shall be Boston Scientific Scimed, Inc.
5. The merger shall be effective upon the later of 12:01 a.m. on January 1, 2005 or the filing of these Articles of Merger with the Secretary of State of the State of Minnesota.

IN WITNESS WHEREOF, BSS and Scimed Life have caused these Articles of Merger to be executed by their respective officers thereunto duly authorized this 22 day of December, 2004.

BOSTON SCIENTIFIC SCIMED, INC.

SCIMED LIFE SYSTEMS, INC.

By: 

Paul A. LaViolette
Chief Executive Officer and President

By: 

Paul W. Sandman
Chief Executive Officer

I:\mhs\mhs\SMLS\Articles of Merger BSS SMLS